

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Clark Daniel Yanez-Sagastegui

Cr.: 12-00284-01
PACTS Number: 61168

Name of Sentencing Judicial Officer: Nicholas G. Garaufis, USDJ - ED/NY

Name of Assigned Judicial Officer: Stanley R. Chesler, USDJ - D/NJ

Date of Original Sentence: 10/07/11

Original Offense: Importation of Cocaine

Original Sentence: 12 months and 1 day custody; 3 years supervised release. Special conditions include the preclusion of possessing a firearm; drug testing/treatment; maintaining full-time verifiable employment and/or participate in an educational or vocational training program as directed by the Probation Department; participation in an English as a Second Language course; not re-entering the United States illegally if deported.

Type of Supervision: Supervised Release

Date Supervision Commenced: 10/28/11

PETITIONING THE COURT

- ☐ To extend the term of supervision for _____ Years, for a total term of _____ Years.
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

RESIDENTIAL REENTRY CENTER PLACEMENT (4 months WITHOUT weekend privileges)

You shall reside for a period of 4 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. You shall NOT be eligible for weekend privileges. The subsistence as required by the program is hereby waived.

CAUSE

Yanez-Sagastegui has violated several of the conditions of supervision as follows:

- On several occasions beginning in June 2012, Yanez-Sagastegui traveled out of the district of New Jersey (to Queens, New York) without permission from the probation officer. Yanez-Sagastegui also failed to report a change of residence within 72 hours. In fact, he relocated to 2414 95th Street, Queens, New York, without prior approval from the undersigned or the Eastern District of New York Probation Office.

- Yanez-Sagastegui failed to report new employment within 72 hours. On approximately June 15, 2012, he began employment at Amaru Pisco Bar, Jackson Heights, New York. Yanez-Sagastegui also failed to obtain prior approval from the Liquor Authority, Division of Alcoholic Beverage Control, to work at the bar.
- In February 2012, Yanez-Sagastegui tested positive for marijuana. The matter was reported to the court and he was instructed to participate in Narcotics Anonymous Meetings. Yanez-Sagastegui has failed to participate in the meetings since mid-June 2012.
- The judgement directs that Yanez-Sagastegui participate in English as a Second Language classes. Although he claimed to have participated in such classes at UCEDA, a school in Paterson, New Jersey, school officials indicated that he participated in only one class in June 2012.
- The judgment specifies that Yanez-Sagastegui maintain verifiable employment. He has repeatedly failed to abide by this condition by obtaining off-the-books employment.
- Finally, Yanez-Sagastegui has failed to report as directed on the following occasions: July 20, 2012; July 9, 2012; July 3, 2012; April 24, 2012; and March 13, 2012.

Respectfully submitted,

Denise Morales

By: Denise Morales
U.S. Probation Officer

Date: 07/25/12 *KS*

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other



Signature of Judicial Officer

7/26/12

Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

RESIDENTIAL REENTRY CENTER PLACEMENT (4 months WITHOUT weekend privileges)

You shall reside for a period of 4 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. You shall NOT be eligible for weekend privileges. The subsistence as required by the program is hereby waived.

Witness:

Denise Morales for
U.S. Probation Officer
Denise Morales

Signed:

Clark Daniel Yanez-Sagastequi
Probationer or Supervised Releasee
Clark Daniel Yanez-Sagastequi

07/25/12

DATE

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

WILFREDO TORRES
CHIEF PROBATION OFFICER

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PATERSON, NJ
(973) 357-4080
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July 25, 2012

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The Honorable Stanley R. Chesler
United States District Judge
Martin Luther King Jr. Federal Building & Courthouse
P.O. Box 0999
Newark, NJ 07102-0999

RE: Yanez-Sagastegui, Clark Daniel
Dkt. No. 12-00284-01
Request to Modify the Conditions of
Supervision

Dear Judge Chesler:

On October 7, 2011, the Honorable Nicholas G. Garaufis, United States District Court Judge, in the Eastern District of New York, sentenced the aforementioned individual to twelve months and one day in custody, three years supervised release and a \$100 special assessment upon his conviction for Importation of Cocaine. Special conditions of supervision imposed were the preclusion of possessing a firearm; drug testing/treatment; maintaining full-time verifiable employment and/or participate in an educational or vocational training program as directed by the probation department; participation in an English as a Second Language course; not re-entering the United States illegally if deported. On October 28, 2011, following his release from custody, the offender began the period of supervision in the District of New Jersey. On May 8, 2012, this district was granted jurisdiction of the case.

The purpose of this correspondence is to report that Yanez-Sagastegui has violated several of the conditions of supervised release, as outlined in the attached Probation Form 12B, *Request to Modify the Conditions or Term of Supervision with Consent of the Offender*. We submit that the non-compliance be addressed via a sanction of four months of community confinement. This sanction would also address his current lack of a stable residence.

Yanez-Sagastegui agreed to the modification, and has agreed to waive his right to a hearing. Unless Your Honor considers otherwise, we ask that you review the attached Probation Form 49, *Waiver of Hearing to Modify Conditions of Supervised Release*, and sign the attached Probation Form 12B, *Request for Modifying the Conditions or Term of Supervision with Consent of the Offender*, authorizing the modification.

As always, we are available to discuss this matter. The undersigned can be reached at (973) 445-8522.

Very truly yours,

WILFREDO TORRES, Chief
U.S. Probation Officer

Denise Morales

By: Denise Morales
U.S. Probation Officer

/dm RSM

Enclosure